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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,482	02/09/2004	Yutaka Yasui	FUSA 20.946	1037
26304 7590 11/17/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585				
EXAMINER				
JACOBS, LASHONDA T				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/775,482

Applicant(s)

YASUI ET AL.

Examiner

LASHONDA T. JACOBS

Art Unit

2457

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Amendment

This is a Final Office in response to applicants' amendment filed on October 2, 2008.

Claims **1** and **36** have been amended. Claims **1-40** are presented for further examination.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **1-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Yokota (U.S. Pub. No. 2003/0014213) in view of Hendrey et al (U.S. Pub. No. 2003/0060214).

As per claims **1** and **36**, Yokota discloses an information distribution service providing system, which has a server system and an information provider terminal connected to the server system, for distributing information, which has been requested by an information provider, via a network from the server system to mobile information terminals of service users for which utilization of an information providing service has been registered, wherein said information provider terminal includes means for designating, to the server system, an information distribution region and attributes of service users; and said server system includes:

- means for monitoring, based upon position information from service users for which utilization of an information providing service has been registered, the state of distribution of service users who have said attributes and are present in the information

distribution region designated by the information provider (paragraphs 0045 and 0063-0064).

However, Yokota does not explicitly disclose:

- means for distributing prescribed information that has been requested by the information provider to mobile information terminals of service users having said attributes based upon the state of distribution of service users.

Hendrey discloses a system and method for initiating responses to location-based events comprising:

- means for distributing prescribed information to mobile information terminals of service users having said attributes based upon the state of distribution of service users (paragraphs 0035, 0036 and 0040).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yokota to include state/attribute information for the purpose of providing location-based events based on the state/attribute information to the mobile device in a timely and efficient manner.

As per claims 2 and 37, discloses An information distribution service providing system, which has a server system and an information provider terminal connected to the server system, for distributing information, which has been requested by an information provider, via a network from the server system to mobile information terminals of service users for which utilization of an information providing service has been registered, wherein said server system includes:

(a) means having an interface, which is for sending and receiving various information to and from an information provider, for receiving via this interface a region designated by the information provider, and storing this region (paragraphs 0043-0044);

(b) means having an interface, which is for sending and receiving various information to and from a mobile information terminal possessed by a service user, for receiving position information of the service user sent autonomously via this interface, and storing this position information (paragraphs 0043-0044);

(c) means for extracting and storing a service user located in said region that has been designated by the information provider (paragraphs 0059 and 0063);

(d) means for dividing the region that has been designated by the information provider into zones of small area and storing the region as a set of the zones (paragraphs 0064 and 0073-0076);

(e) means for identifying service users located in each of the zones, calculating an attribute-by-attribute distribution density of the service users on a per-zone basis, and storing the distribution densities (paragraphs 0064 and 0073-0076);

(f) means for reporting prescribed information to the information provider based upon the calculated distribution density of each attribute (paragraphs 0059 and 0063); and

(g) means for receiving and storing location of the information provider (paragraph 0063);

(h) means for receiving and storing information desired to be distributed from the information provider (paragraph 0063).

However, Yokota does not explicitly disclose:

(i) means for receiving, from the information provider, attributes of service users to whom information is to be distributed and distribution-destination information, and storing these attributes and information ; and

(j) means for extracting service users, to whom information is to be distributed, based upon the attributes and distribution-destination information, and transmitting to these users the information that has been received from the information provider.

Hendrey discloses a system and method for initiating responses to location-based events comprising:

(i) means for receiving, from the information provider, attributes of service users to whom information is to be distributed and distribution-destination information, and storing these attributes and information (paragraphs 0035, 0036, 0040); and

(j) means for extracting service users, to whom information is to be distributed, based upon the attributes and distribution-destination information, and transmitting to these users the information that has been received from the information provider (paragraphs 0035, 0036 and 0040).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Yokota to include state/attribute information for the purpose of providing location-based events based on the state/attribute information to the mobile device in a timely and efficient manner.

As per claim 3, Yokota discloses:

- wherein said server system further includes means for registering, in accordance with an agreement with a user, attribute information indicating characteristics and areas of

interest of users necessary for classifying type of distribution information sought by the service users (paragraph 0078).

As per claim 4, Yokota discloses:

- wherein said server system includes means for accepting, from a service user, a request to change, pause, cancel or start operation of a registered service (paragraph 0078).

As per claim 5, Yokota discloses:

- wherein said server system includes means for accepting, processing, maintaining appropriately and managing information, which represents user attributes registered by the users, and a request to change registered content (paragraph 0078).

As per claim 6, Yokota discloses:

- wherein said server system includes means for registering, in accordance with an agreement with an information provider, location of the information provider that performs information distribution, location of a sales hub, information to be distributed, attributes of users at the destination of distribution, and distribution conditions (paragraph 0077).

As per claim 7, Yokota discloses:

- wherein said server system includes means for accepting, from an information provider, a request to change, pause, cancel or start registered content relating to distribution that has been registered (paragraph 0078).

As per claim 8, Yokota discloses:

- wherein said server system includes means for appropriately maintaining and managing information-provider information that has been registered by the information provider, and a request for changing distributed content.

As per claim 9, Yokota discloses:

- wherein said server system includes means for accepting an information request relating to state of distribution of user attributes who expect an effect such as an increase in sales owing to distribution of information by the information provider in a region designated by the information provider or server system operator (paragraphs 0077-0079).

As per claim 10, Yokota discloses:

- wherein said server system includes means for reporting result of an investigation, which has been requested by an information provider or server system, to a source of the request (paragraphs 0132-0134).

As per claim 11, Yokota discloses:

- wherein said server system includes means for storing a region designated by an information provider or server system operator, and storing this region as a set of data in a form in which area of a designated region can be calculated from map information (paragraphs 0059 and 0063).

As per claim 12, Yokota discloses:

- wherein said server system includes means for storing position information of service users and maintaining and managing position displacement information of these users (paragraph 0106).

As per claim 13, Yokota discloses:

- wherein said server system includes means for extracting and storing service users located in a region that has been designated by an information provider or server system operator, said service users conforming to user attributes that have been designated by an information provider or server system operator (paragraphs 0035, 0036 and 0040).

As per claim **14**, Yokota discloses wherein said server system includes the following means as said means for calculating the attribute-by-attribute distribution density of the service user:

- means for obtaining and storing area of a designated region (paragraphs 0063-0064);
- means for extracting users who have a designated attribute from among service users located in a designated region, and storing the number of these users (paragraphs 0035, 0036 and 0040); and
- means for calculating distribution density using the area obtained and the number of users having the designated attribute, and storing the distribution density (paragraphs 0059 and 0063).

As per claim **15**, Yokota discloses wherein said server system includes the following means as the means for calculating the attribute-by-attribute distribution density of the service user:

- means for dividing a designated region into a plurality of zones of small area, expressing and storing the zones as a set of data that enables the area of each zone to be calculated, obtaining the areas of these zones and storing the same (paragraphs 0063-0064);
- means for extracting users who have the designated attribute from among service users located in any zone, and storing the number of these users (paragraphs 0035, 0036 and 0040); and

- means for calculating distribution density using the area obtained and the number of users having the designated attribute, and storing the distribution density (paragraphs 0059 and 0063).

As per claim 16, Yokota discloses:

- wherein said server system includes means for comparing distribution densities of a plurality of designated user attributes in a single applicable zone in which distribution densities have been calculated, calculating a difference in distribution density from one user attribute to another in said single applicable zone in a region that has been designated by the information provider or server system operator, and deciding ranking of the user attribute for distributing (paragraphs 0059 and 0063).

As per claim 17, Yokota discloses:

- wherein said server system includes means for comparing distribution densities of a single designated user attribute in a plurality of applicable zones in which distribution densities have been calculated, calculating differences in distribution density of the user attribute in a plurality of applicable zones in a region that has been designated by the information provider or server system operator, and deciding ranking of the applicable zones for distributing (paragraphs 0059 and 0063).

As per claim 18, Yokota discloses:

- wherein said server system includes means for deciding, in dependence upon state of distribution density of applicable user attributes, information distribution frequency or a technique such as concentrated distribution in a certain time frame (paragraphs 0059 and 0063).

As per claim **19**, Yokota discloses:

- wherein said server system includes means for performing information distribution based upon a reference determined in advance or a reference that has been designated by an information provider or server system operator, using the result of calculating the attribute-by-attribute distribution density of the service user (paragraphs 0059 and 0063).

As per claim **20**, Yokota discloses:

- wherein said server system includes means for performing information distribution based upon a reference determined in advance or a reference that has been designated by an information provider or server system operator, using actual number of users located in each region (paragraphs 0059 and 0063).

As per claim **21**, Yokota discloses:

- wherein said server system includes means for calculating variance of a designated attribute distribution in an applicable region based upon the calculated distribution density of every user attribute (paragraphs 0059 and 0063).

As per claim **22**, Yokota discloses:

- wherein said server system includes means for performing information distribution based upon a reference that has been designated by an information provider or server system operator, using the calculated variance of every user attribute (paragraphs 0059 and 0063).

As per claim **23**, Yokota discloses:

- wherein said server system includes means for reporting results obtained to an information distribution or server system operator that is the source of a request (paragraphs 0035, 0036 and 0040).

As per claim 24, Yokota discloses:

- wherein said server system includes means for reporting information that has been pre-registered by an information provider for the sake of distribution based upon results obtained to applicable users in an applicable region in accordance with distribution density and variance of every user attribute located in the applicable region, and distribution conditions designated in advance by the information provider (paragraphs 0059 and 0063).

As per claim 25, Yokota discloses:

- wherein said server system includes means for estimating distance between a region for which the distribution density has been calculated and location or sales hub of an applicable information provider (paragraphs 0059 and 0063).

As per claim 26, Yokota discloses:

- wherein said server system includes means for calculating a time element such as time required for a user to move from a region for which the distribution density has been calculated to a location or sales hub of an applicable information provider (paragraphs 0059 and 0063).

As per claim 27, Yokota discloses:

- wherein said server system includes means for creating and editing, from results of the calculation, a recommendation regarding content of information distributed by an applicable information provider (paragraphs 0059 and 0063).

As per claim **28**, Yokota discloses:

- wherein said server system includes means for reporting the content of the created recommendation to an applicable information provider (paragraphs 0035, 0036 and 0040).

As per claim **29**, Yokota discloses:

- wherein said server system includes means for recording a time-series change in distribution density or variance of every user attribute in a region designated by an information provider or server system operator (paragraphs 0059 and 0063).

As per claim **30**, Yokota discloses:

- wherein said server system includes means for calculating a change in region characteristics for every user attribute based upon the time-series change in distribution density or variance of every user attribute, and estimating an approximation function of a time-series change in user attributes in a designated region or in a zone designated by subdividing said region (paragraphs 0089 and 0126).

As per claim **31**, Yokota discloses:

- wherein said server system includes means, responsive to a request by an information provider, for obtaining prediction data of a regional change or time-series change in distribution density or scattering of user attributes based upon results of the estimation,

and reporting the prediction data to an applicable information provider (paragraphs 0089 and 0126).

As per claim **32**, Yokota discloses:

- wherein said server system includes means for accepting and storing reaction of users to distributed information (paragraph 0134).

As per claim **33**, Yokota discloses:

- wherein said server system includes means for analyzing accepted user reaction such as time from moment of distribution to user response, information indicating position of the user at this time, etc (paragraph 0134).

As per claim **34**, Yokota discloses:

- wherein said server system includes means for statistically processing results of the analysis and outputting a report (paragraph 0134).

As per claim **35**, Yokota discloses:

- wherein said server system includes means for reporting statistical results obtained to an information provider who has distributed applicable information (paragraph 0134).

As per claim **38**, Yokota discloses:

- wherein said server system includes the following means as the means for calculating user attribute-by-attribute distribution density: means for obtaining and storing the area of a designated region; means for extracting users who have a designated attribute from among service users located in the designated region, and storing the number of these users; means for calculating distribution density using the area obtained and the number of users having the designated attribute, and storing the distribution density; and means

for storing a time-series change in distribution density of any user attribute and variance of the distribution density in any region designated by an information provider or server system operator (paragraphs 0059 and 0063).

As per claim **39**, Yokota discloses:

- wherein said server system includes: means for deciding an effective method of distribution of information, which has been received from an information provider, based upon said results of the calculation; and means for transmitting said distribution information to the service users based upon a reference that has been designated by an information provider or server system operator (paragraphs 0059 and 0063).

As per claim **40**, Yokota discloses:

- wherein said server system includes: means for accepting, storing and statistically analyzing reaction of the users to said distribution information; means for reporting the results to the information provider or server system operator; and means for reporting said results of the calculation and a predicted change based upon these results to the information provider or server system operator (paragraphs 0059 and 0063).

Response to Arguments

3. Applicant's arguments filed October 2, 2008 have been fully considered but they are not persuasive.

The Office Notes the following arguments:

a. Neither Yokota nor Hendrey et al discloses an information provider terminal that is connected to a server system and that includes means for designating, to the server system, an information distribution region and attributes of service users.

In response to:

a. Yokota discloses a method and apparatus for analyzing population distribution in a user portable terminal is connected to a mobile communication system in which positional information and user profile information is sent to mobile communication system to provide the portable terminal user with address/landmark positional informational corresponding to the portable terminal user (paragraphs 0041, 0045, 0063-0064 and 0068). The positional information and the user profile information are attributes of the portable terminal user. The mobile communication system uses the positional information and user profile information to provide the best service locations/landmarks to the portable terminal user. Therefore, Yokoto discloses an information provider terminal that is connected to a server system and that includes means for designating, to the server system, an information distribution region and attributes of service users. Examiner notes that Hendrey et al was not relied upon to teach this limitation.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LASHONDA T. JACOBS whose telephone number is (571)272-4004. The examiner can normally be reached on 8:30 A.M.-5:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 571-272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/LaShonda T Jacobs/
Primary Examiner, Art Unit 2457

ltj
November 11, 2008

